

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHASE JUSTIN SILVIS,	)	
	)	Civil Action No. 05 - 834
Petitioner,	)	
	)	Judge Gary Lancaster /
v.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
ROBERT SHANNON, Superintendent;	)	
THE DISTRICT ATTORNEY OF	)	
ARMSTRONG COUNTY and	)	
ATTORNEY GENERAL OF THE	)	
STATE OF PENNSYLVANIA,	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

The above captioned Petition was received by the Clerk of Court on June 17, 2005, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation (Doc. No. 11), filed on February 1, 2006, recommended that the petition for writ of habeas corpus be denied as untimely and that a certificate of appealability be denied. The report and recommendation was served on the Petitioner at S.C.I. Frackville, 111 Altamont Boulevard, Frackville, PA 17931 and on counsel of record for the Respondents. The parties were informed that in accordance with Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. Petitioner filed Objections to the Report and Recommendation (Doc. No. 12) on February 15, 2006. No reply to the objections have been

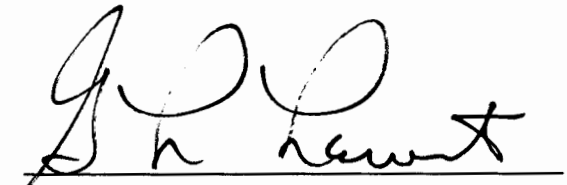
filed. After review of the pleadings and the documents in the case, together with the report and recommendation and the objections thereto, the following order is entered:

AND NOW, this 5<sup>th</sup> day of April, 2006;

**IT IS HEREBY ORDERED** that the Petition for Writ of Habeas Corpus is **DENIED** as untimely.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 11) of Magistrate Judge Lenihan, dated February 1, 2006, is adopted as the opinion of the court.

  
\_\_\_\_\_  
Judge Gary L. Lancaster  
United States District Judge

cc: Lisa Pupo Lenihan  
U.S. Magistrate Judge

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